

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ZIM INTEGRATED SHIPPING SERVICES, LTD.,

Plaintiff,

Case No. 07-civ-5861 (RMB)

- against -

BELCO RESOURCES, INC., SINOCHEN
JIANGSU CORPORATION (FORMERLY KNOWN
AS SINOCHEN JIANGSU IMPORT &
EXPORT CORPORATION), NANJING HUABIN
FOREIGN TRADE & ECONOMICS CO., LTD.,
DRAGONTRANS SHIPPING LTD. d/b/a
HUABANG INTERNATIONAL, INC.,
SINOTRANS NINGBO INTERNATIONAL
FORWARDING AGENCY CO., LTD.,
JOHN DOE 1-10,

Defendants.

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**DECLARATION BY THOMAS
CURTIN
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO THE JOINT
MOTIONS TO DISMISS THE
SECOND VERIFIED AMENDED
COMPLAINT AND TO VACATE
THE RULE B ATTACHMENT OF
DEFENDANTS SINOCHEN
JIANGSU CORPORATION,
NANJING HUABIN FOREIGN
TRADE & ECONOMICS CO., LTD.
AND BELCO RESOURCES, INC.**

I, THOMAS CURTIN, declare as follows:

1. I am the Vice President of Traffic for Zim American Integrated Services Limited (hereinafter "Zim American").

2. I make this declaration in support of Plaintiff Zim Integrated Shipping Services, Ltd.'s ("Zim") opposition to the joint motions of the Defendants Sinochem Jiangsu Corporation, Nanjing Huabin Foreign Trade & Economics Co., Ltd. and Belco Resources, Inc. to dismiss the second verified complaint and to vacate the Rule B attachment in the above captioned matter.

3. I have been employed by Zim American for 14 years, having management duties involving Zim's traffic and customer service operations.

4. I am assigned to the offices of Zim American which are located at 5801 Lake Wright Drive, Norfolk, Virginia. The company has occupied these offices since September, 2001.

5. In my capacity as Vice President of Traffic, I deal on a daily basis with cargoes which sail from ports in China to ports in the United States.

6. The cargo which is the subject of this lawsuit, a sealed 20-foot steel wall dry container, bearing serial number ZIMU1037636, seal number 749903 , was received at the port of Ningbo in China and loaded aboard the M/V ZIM SAVANNAH Voyage 11/E on May 4, 2007.

7. These facts can be verified from the very face of bill of lading No. ZIMUNGB670904 which is a receipt by China Marine Shipping Agency, Ningbo Ltd, acting as agent for Zim in the port of Ningbo. The M/V ZIM SAVANNAH is mentioned under the caption "loading vessel", Ningbo under "port of loading". It is customary and traditional throughout the ocean transportation industry that the name of the first loading vessel in a transshipment or feeder ship arrangement is named on the bill of lading. That is certainly ZIM's procedure. The bill of lading is stamped "Validated on Board 04-May-2007" at the bottom right corner, which is a customary phrase used in the industry to verify the cargo has in fact been loaded at a specific date. Under the caption "Particular As Furnished By Shipper" in the middle of the bill of lading can be found the measurement of the container ("20"), the description of the goods ("1 CNT... 444 DRUMS CALCIUM CHLORIDE"), the container number ("CONT. ZIMU10370636"), seal number and weight ("20400.00 KGS").

8. The M/V ZIM SAVANNAH proceeded to the port of Shekou, in Hong-Kong where the container ZIMU1037636 was discharged on May 6, 2007.

9. ZIM employed its customary feeder ship operation in the trans-Pacific trade so as to ensure that the cargo allocation from the port of Ningbo would be loaded aboard the first available vessel.

10. The container ZIMU1037636 was stored on shore at Shekou, China, and loaded on May 16, 2007 aboard the M/V ZIM HAIFA, voyage 11/E for carriage to Kingston, Jamaica.

11. The M/V ZIM HAIFA sails in the service known as the Zim Container Service (or ZCS).

12. The normal rotation of vessels on the ZIM Container Service on the Eastbound leg is Ningbo (China) and calling, Shekou (China), Yantian (China), Keelung (Taiwan), Balboa (Panama), Kingston (Jamaica), Savannah (Georgia, United States), New York (New York, United States), Halifax (Canada), Barcelona (Spain) and Haifa (Israel).

13. The container ZIMU1037636 was scheduled to be unloaded from the M/V ZIM HAIFA in the port of Kingston, Jamaica, and loaded on a feeder vessel for a voyage to its final destination in Belize. Because of the explosion of the container aboard the M/V ZIM HAIFA near the Panama Canal, the container and its contents were completely destroyed.

14. Substitution of vessel, storage of goods either on shore or afloat and transshipments of containers from one vessel to another are common practice in the maritime industry and is expressly authorized under section 8 of the terms and conditions of Zim's bill of lading No. ZIMUNGB670904. Attached hereto as Exhibit A is a true and accurate copy of the terms and conditions of Zim's bill of lading No. ZIMUNGB670904.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: January 11, 2008
Norfolk, Virginia


THOMAS CURTIN